

2.4 ADR JUDGE

The Court has appointed the a United States District Judge (who serves as the Chair of the Court's Standing Committee on Case Management and ADR) to serve as the ADR Judge. The ADR Judge is responsible for overseeing the ADR program, consulting with the ADR Coordinator on matters of policy, program design and evaluation, education, training and administration. When necessary, the Chief District Judge may appoint another Judicial Officer of this Court to perform, temporarily, the duties of the ADR Judge.

If a party files a motion with the court alleging matters such as bad faith or requesting enforcement of a settlement reached as a result of the ADR process, the assigned judicial officer may adjudicate the motion or may elect to request another judge to do so. Should the latter occur, the matter will be referred internally to another judge who is a member of the Case Management and ADR Committee, to decide the motion.

2.7 ATTENDANCE AT SESSION

A. Parties. Each party must attend the selected ADR process session unless excused under paragraph D below. This requirement reflects the Court's view that the principal values of Alternate Dispute Resolution include affording litigants an opportunity to articulate their positions and to hear, first hand, both their opponent's version of the matters in dispute and a neutral assessment of the merits of the case.

1. Corporation or Other Entity. A party other than a natural person (e.g., a corporation or an association) satisfies this attendance requirement if represented by a decision maker(s) (other than outside counsel) who has full settlement authority and who is knowledgeable about the facts of the case.

2. Government Entity. A unit or agency of government satisfies this attendance requirement if represented by a person who has, to the greatest extent feasible, full settlement authority, and who is knowledgeable about the facts of the case, the governmental unit's position, and the procedures and policies under which the governmental unit decides whether to accept proposed settlements. If the action is brought by the government on behalf of one or more individuals, at least one such individual also must attend.

3. Any party who fails to have physically in attendance the necessary decision maker(s) will be subject to sanctions.

B. Counsel. Each represented party must be accompanied at the selected ADR process session by the lawyer who will be primarily responsible for handling the trial

of the matter. If a party is proceeding pro se, a request may be made to the Court to name a pro bono attorney to represent the pro se litigant at the selected ADR process session.

C. Insurers. Insurer representatives, including, if applicable, risk pool representatives, are required to attend in person unless excused under paragraph D below, if their agreement would be necessary to achieve a settlement.

D. Request to be Excused. A person who is required to attend the selected ADR process session may be excused from attending in person only after a showing that personal attendance would impose an extraordinary or otherwise unjustifiable hardship. A person seeking to be excused must file a motion with the assigned Judicial Officer, no fewer than 15 days before the date set for the session, simultaneously copying the Arbitration Clerk (if applicable), all other counsel and unrepresented parties and the neutral(s). The motion seeking excuse from the selected ADR process session must:

1. Set forth with specificity all considerations that support the request;
2. State realistically the amount in controversy in the case;
3. Indicate whether the other party or parties join in or object to the request; and
4. Be accompanied by a proposed order.

E. Participation by Telephone. A person excused from attending the selected ADR process session in person must be available to participate by telephone.

3.8 ATTENDANCE AT SESSION

A. Parties. All named parties and their counsel are required to attend the mediation unless excused under paragraph D below. This requirement reflects the Court's view that the principal values of mediation include affording litigants opportunities to articulate directly to the other parties and a neutral their positions and interests and to hear, first hand, their opponent's version of the matters in dispute. Mediation also enables parties to search directly with their opponents for mutually agreeable solutions.

1. Corporation or Other Entity. A party other than a natural person (e.g., a corporation or an association) satisfies this attendance requirement if represented by a decision maker(s) (other than outside counsel) who has full settlement authority and is knowledgeable about the facts of the case.

2. Government Entity. A unit or agency of government satisfies this attendance requirement if represented by a person who has, to the greatest extent feasible, full settlement authority, and is knowledgeable about the facts of the case, the governmental unit's position, and the procedures and policies under which the governmental unit decides

~~whether to accept proposed settlements. If the action is brought by the government on behalf of one or more individuals, at least one such individual also must attend.~~

~~3. Any party who fails to have physically in attendance the necessary decision maker(s) will be subject to sanctions.~~

~~**B. Counsel.** Each represented party must be accompanied at the mediation by the lawyer who will be primarily responsible for handling the trial of the matter. If a party is proceeding *pro se*, a request may be made to the Court to name a *pro bono* attorney to represent the *pro se* litigant at the mediation.~~

~~**C. Insurers.** Insurer representatives, including, if applicable, risk pool representatives, are required to attend in person unless excused under paragraph D below, if their agreement would be necessary to achieve a settlement.~~

~~**D. Request to be Excused.** A person who is required to attend a mediation may be excused from attending in person only after a showing that personal attendance would impose an extraordinary or otherwise unjustifiable hardship. A person seeking to be excused must file a motion with the assigned Judicial Officer, no fewer than 15 days before the date set for the session, simultaneously copying all counsel and the mediator. The motion must:~~

- ~~1. Set forth all considerations that support the request;~~
- ~~2. State realistically the amount in controversy in the case;~~
- ~~3. Indicate whether the other party or parties join in or object to the request, and~~
- ~~4. Be accompanied by a proposed order.~~

~~**E. Participation by Telephone.** A person excused from appearing in person at a mediation must be available to participate by telephone.~~

~~3.9~~ **3.8 PROCEDURE AT MEDIATION**

~~3.10~~ **3.9 FOLLOW UP**

~~3.11~~ **3.10 REPORT OF THE NEUTRAL**

4.9 ATTENDANCE AT SESSION

~~**A. Parties.** All named parties and their counsel are required to attend the ENE unless excused under paragraph D below. This requirement reflects the Court's view that the principal values of ENE include affording litigants opportunities to articulate directly to other parties and a neutral their positions and interests and to hear, first hand, both their opponent's version of the matters in dispute and a neutral assessment of the merits of the case and the relative strengths of each party's legal positions.~~

~~**1. Corporation or Other Entity.** A party other than a natural person (e.g., a corporation or an association) satisfies this attendance requirement if represented by a decision maker(s)~~

~~(other than outside counsel) who has full settlement authority and is knowledgeable about the facts of the case.~~

2. Government Entity. A unit or agency of government satisfies this attendance requirement if represented by a person who has, to the greatest extent feasible, full settlement authority, and who is knowledgeable about the facts of the case, the governmental unit's position, and the procedures and policies under which the governmental unit decides whether to accept proposed settlements. If the action is brought by the government on behalf of one or more individuals, at least one such individual also must attend.

3. Any party who fails to have physically in attendance the necessary decision maker(s) will be subject to sanctions.

B. Counsel. Each represented party must be accompanied at the ENE by the lawyer who will be primarily responsible for handling the trial of the matter. If a party is proceeding *pro se*, a request may be made to the Court to name a *pro bono* attorney to represent the *pro se* litigant at the ENE.

C. Insurers. Insurer representatives, including, if applicable, risk pool representatives, are required to attend in person unless excused under paragraph D below, if their agreement would be necessary to achieve a settlement.

D. Request to be Excused. A person who is required to attend an ENE may be excused from attending in person only after a showing that personal attendance would impose an extraordinary or otherwise unjustifiable hardship. A person seeking to be excused must file a motion with the assigned Judicial Officer, no fewer than 15 days before the date set for the session, simultaneously copying all counsel and the evaluator. The motion must:

- ~~1. Set forth all considerations that support the request;~~
- ~~2. State realistically the amount in controversy in the case;~~
- ~~3. Indicate whether the other party or parties join in or object to the request, and~~
- ~~4. Be accompanied by a proposed order.~~

E. Participation by Telephone. A person excused from appearing in person at an ENE must be available to participate by telephone.

4.10 4.9 PROCEDURE AT AN EARLY NEUTRAL EVALUATION

4.11 4.10 FOLLOW UP

4.12 4.11 LIMITATION ON AUTHORITY OF EVALUATOR.

4.13 4.12 REPORT OF THE NEUTRAL

5.8 ATTENDANCE AT ARBITRATION

A. Parties. Each party must attend the arbitration hearing unless excused under paragraph D below. This requirement reflects the Court's view that principal values of arbitration

include affording litigants an opportunity to articulate their positions and to hear, first hand, both their opponent's version of the matters in dispute and a neutral assessment of the merits of the case.

1. Corporation or Other Entity. A party other than a natural person (e.g., a corporation or an association) satisfies this attendance requirement if represented by a decision maker(s) (other than outside counsel) who has full settlement authority and who is knowledgeable about the facts of the case.

2. Government Entity. A unit or agency of government satisfies this attendance requirement if represented by a person who has, to the greatest extent feasible, full settlement authority, and who is knowledgeable about the facts of the case, the governmental unit's position, and the procedures and policies under which the governmental unit decides whether to accept proposed settlements. If the action is brought by the government on behalf of one or more individuals, at least one such individual also must attend.

3. Any party who fails to have physically in attendance the necessary decision maker(s) will be subject to sanctions.

B. Counsel. Each represented party must be accompanied at the arbitration session by the lawyer who will be primarily responsible for handling the trial of the matter. If a party is proceeding *pro se*, a request may be made to the Court to name a *pro bono* attorney to represent the *pro se* litigant at the arbitration.

C. Insurers. Insurer representatives, including, if applicable, risk pool representatives, are required to attend in person unless excused under paragraph D below, if their agreement would be necessary to achieve a settlement.

D. Request to be Excused. A person who is required to attend an arbitration hearing may be excused from attending in person only after a showing that personal attendance would impose an extraordinary or otherwise unjustifiable hardship. A person seeking to be excused must file a motion with the assigned Judicial Officer, no fewer than 15 days before the date set for the session, simultaneously copying the Arbitration Clerk, all other counsel and unrepresented parties and the arbitrator(s). The motion must seeking to be excused must:

1. Set forth with specificity all considerations that support the request;
2. State realistically the amount in controversy in the case;
3. Indicate whether the other party or parties join in or object to the request; and
4. Be accompanied by a proposed order.

E. Participation by Telephone. A person excused from attending an arbitration in person must be available to participate by telephone.

~~5.9~~ 5.8 AUTHORITY OF ARBITRATORS AND PROCEDURES AT
ARBITRATION

~~5.10~~ 5.9 AWARD AND JUDGMENT

~~5.11~~ 5.10 TRIAL *DE NOVO*

~~5.12~~ 5.11 STIPULATION TO BINDING ARBITRATION

~~5.13~~ 5.12 FEDERAL ARBITRATION ACT

